

Message Text

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ACTION AF-10

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FM AMEMBASSY PRETORIA
TO SECSTATE WASHDC 8058
INFO AMCONSUL CAPE TOWN
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USMISSION GENEVA
USMISSION USUN NEW YORK
AMEMBASSY LONDON
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AMEMBASSY MBABANE

LIMITED OFFICIAL USE PRETORIA 3448

E.O. 11652: N/A

TAGS: PINT, SHUM, SF

SUBJECT: ANC TRIAL IN PRETORIA: STATUS REPORT

REF: PRETORIA 3046,

1. SUMMARY: THE PRETORIA TRIAL OF 12 BLACKS ACCUSED OF
ANC ACTIVITIES HAS ATTRACTED WIDESPREAD MEDIA COVERAGE AND
LARGE CROWDS SINCE IT OPENED. ONE MAJOR STATE WITNESS
HAS TESTIFIED HE GAVE INCRIMINATING TESTIMONY ONLY AFTER
BEING TORTURED BY SECURITY POLICE. THE ATMOSPHERE REMAINS
TENSE AS SOME TWENTY ARMED POLICEMEN PATROL THE GROUNDS
DURING THE COURT SESSIONS. END SUMMARY.

2. THE PRETORIA TRIAL OF TWELVE BLACKS ACCUSED OF
TERRORISM AND ANC ACTIVITIES HAS ATTRACTED WIDESPREAD
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MEDIA COVERAGE SINCE IT RE-OPENED JUNE 20. AN EMBOFF NOTED
DURING HIS SECOND VISIT IN TWO WEEKS, HOWEVER, THAT AS
THE NOVELTY HAS WORN OFF AND THE TESTIMONY HAS BECOME
INCREASINGLY REPETITIOUS, THE OVERFLOW CROWDS OF THE FIRST
FEW DAYS HAVE DWINDLED UNTIL NOW THE SAME 100 OR SO BLACKS
FILL TWO-THIRDS OF THE AVAILABLE SEATS EACH DAY. THEY
ARE ALL SEARCHED BEFORE ENTERING THE COURT AND ARE NOT

PERMITTED TO BRING IN ANY BAGS OR CONTAINERS. AS THE DEFENDANTS ENTER, SOME IN THE AUDIENCE SHOUT OUT "AMANDLA," AND BOTH DEFENDANTS AND AUDIENCE SALUTE ONE ANOTHER WITH THE RAISED-FIST BLACK POWER SIGN.

3. THE STATE WITNESSES CALLED SO FAR HAVE RECOUNTED NUMEROUS ALLEGED ILLEGAL ACTIVITIES BY THE DEFENDANTS, INCLUDING RECRUITING YOUTHS FOR MILITARY AND URBAN TERRORIST TRAINING ABROAD. IAN RWAXA, DESCRIBED IN SOME MEDIA AS "THE CHIEF STATE WITNESS," TOLD THE COURT JUNE 30 THAT HE HAD LIED DURING HIS PREVIOUS INCRIMINATING TESTIMONY BECAUSE HE HAD BEEN TORTURED BY THE POLICE. HE SPENT THE REST OF THE DAY RECOUNTING THE POLICE ASSAULTS HE HAD ALLEGEDLY UNDERGONE SINCE BEING DETAINED DECEMBER 1, 1976. HE THEN ASKED FOR A RESTRAINING ORDER TO PROTECT HIM AGAINST THE POLICE. THE JUDGE SAID HE COULD NOT COMPLY, BUT THE DEFENSE ATTORNEY ASSERTED RWAXA HAD A DEGREE OF PROTECTION BECAUSE HE HAD TESTIFIED IN OPEN COURT.

4. IN ANOTHER INCIDENT, THE DEFENSE PROTESTED JULY 6 WHEN THE DEFENDANTS WERE LED INTO COURT WEARING LEG IRONS. THE POLICE SUBSEQUENTLY STOPPED THIS PRACTICE, BUT THEY NOW ONLY PERMIT THE ACCUSED TO ENTER THE COURT ONE-BY-ONE. IN ADDITION, THEY HAVE INCREASED THE NUMBER OF OFFICERS ON DUTY INSIDE AND OUTSIDE THE COURT, AND AT PRESENT THERE ARE USUALLY AT LEAST TWENTY UNIFORMED AND PLAIN-CLOTHES ARMED LIMITED OFFICIAL USE

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POLICEMEN PATROLLING THE AREA. AS A RESULT, THE ATMOSPHERE REMAINS TENSE, BUT UNDER CONTROL.

5. COMMENT: RWAXA'S CLAIM THAT HE COMMITTED PERJURY BECAUSE OF POLICE TORTURE MIRRORS SIMILAR ALLEGATIONS IN OTHER CURRENT SOUTH AFRICAN POLITICAL TRIALS. DEFENSE ATTORNEYS IN THE TRIAL OF 20 ZULULAND UNIVERSITY STUDENTS IN DURBAN AND IN THE TRIAL OF 10 ANC ACTIVISTS IN PIETERMARITZBURG HAVE TOLD AN EMBOFF THAT SUCH CLAIMS, WHETHER TRUE OR NOT, ARE OFTEN THE ONLY MEANS AVAILABLE TO GAIN AN ACQUITTAL SINCE MOST OF THEIR CLIENTS HAVE, THEY ADMIT, BEEN ENGAGED IN REVOLUTIONARY ACTIVITIES. IT IS LIKELY THE DEFENSE IN THIS TRIAL WILL ADOPT THE SAME LEGAL TACTIC.
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